

Ordinance 06-16

AN ORDINANCE TO ESTABLISH INSPECTION FEES AND REGULATIONS FOR EROSION & SEDIMENT CONTROL INSPECTIONS FOR RESIDENTIAL LOTS AND OUTLOTS

WHEREAS, The Town Council of the Town of Westfield, Indiana ("Council") desires to provide for the health, safety, and general welfare of the citizens of the Town of Westfield, Indiana ("Town") through the regulation of water, erosion and sediment discharges to the maximum extent practicable as required by federal and state law; and

WHEREAS, The Council is desirous of establishing methods for controlling the introduction of pollutants from construction activity into the Town Separate Storm Sewer System ("MS4") in order to comply with requirements of the National Pollutant Discharge Elimination System ("NPDES") program authorized by the 1972 amendments to the Clean Water Act, the Indiana Department of Environmental Management's Rule 13 (327 IAC 15-13), and the Indiana Department of Environmental Management's Rule 5 (327 IAC 15-5);

NOW, THEREFORE BE IT ORDAINED by the Town Council of the Town of Westfield, Hamilton County, Indiana, meeting in regular session as follows:

Section 1. Purpose and Intent

The primary purpose of this Ordinance is to ensure perimeter sediment and erosion control, with best management practices (BMP's) being utilized to prevent and minimize sediment and erosion discharge from leaving the construction site. The intent of this Ordinance is to prevent non-storm water discharges, erosion and minimize sediment from leaving the site. Failure to do so can result in damage to adjacent property, damage to the MS4's storm sewer system, and contribute to the polluting of streams, lakes and rivers.

The Town of Westfield Improvement Location Permit Application ("ILP"), generally known as a Building Permit, permittee (the "Permittee") is responsible for ensuring that adequate BMP's are in place and functioning until the construction project obtains a Certificate of Occupancy ("C of O") from the Town Building Department. The property owner, after the C of O is issued, is responsible to maintain the erosion control measures until adequate ground cover (70% mature growth) is established and the property is required to have established adequate ground cover within two (2) years from the issuance of the C of O.

Compliance with this Ordinance shall be the responsibility of the party listed on the ILP filed with the Town.

Section 2. Review of Permit and Responsibilities of Permittee

For individual lots disturbing less than 1 acre, developed within a larger permitted project, a formal review and issuance of an Erosion & Sediment Control Inspection Permit Request for Residential Lots and Outlots will be required before a building permit can be issued. All stormwater management measures necessary to comply with the Town of Westfield's applicable stormwater management ordinance(s) must be implemented in accordance with permitted plan for the larger project.

The following information must be submitted to the Town of Westfield Public Works Department, for review and acceptance, by the individual lot operator (holder of the Improvement Location Permit Application (ILP) or also known informally as a building permit, whether owning the property or acting as the agent of the property owner, as part of a request for review and issuance of an Erosion & Sediment Control Inspection Permit Request for Residential Lots and Outlot Request that must be obtained prior to the issuance of a Improvement Location Permit Application (ILP) or also known informally as a building permit.

1. The individual lot operator must complete an Erosion Control Inspection Permit Request and pay the applicable fee.
2. A certified site layout for the subject lot and all adjacent lots showing building pad location, dimensions, and elevations, and the drainage patterns and swales.
3. Erosion and sediment control plan that, at a minimum, includes the following measures:
 - a. Installation and maintenance of a stable construction site access.
 - b. Installation and maintenance of appropriate perimeter erosion and sediment control measures prior to land disturbance.
 - c. During the entire construction process the Permittee is responsible to ensure that mud, dirt, rocks, and other debris are not allowed to erode onto streets and sidewalks, nor tracked onto the streets by construction vehicles.
 - d. At no time shall any mud or other debris be deposited onto the street.
 - e. Adjacent lots disturbed by an individual lot operator must be repaired and stabilized with temporary or permanent surface stabilization.
 - f. Self-monitoring program including plan and procedures.
4. Name, address, telephone number, and list of qualifications of the trained individual in charge of the mandatory stormwater pollution prevention self-monitoring program for the project site.

The individual lot owner is responsible for installation and maintenance of all erosion and sediment control measures until the site is stabilized.

Additionally, the Permittee is responsible for ensuring that a BMP's measures remain in place during the construction process and that the installation and continuous maintenance of all lot erosion and sediment controls, on and/or adjacent to their lots, as well as curb inlets along the street frontage are monitored.

A temporary construction entrance provides a place for parking vehicles off of the street and a spot where material can be off loaded. This requirement is to provide a stable surface for parking vehicles where mud and other debris will not be tracked onto the street. Proper maintenance of the area is required until such time as a permanent driveway is installed.

Failure to keep streets clear of mud sediment, and debris will result in an enforcement action by the WPWD under the authority of the Town of Westfield's Stormwater Management Ordinance (05-30). The Permittee will be responsible for incurring all costs associated with cleaning the streets.

Section 3. Best Management Practices (BMP's) For Construction Lots

From the time construction on an individual lot begins, until the individual lot is stabilized, the builder must take steps to:

- protect adjacent properties from sedimentation
- prevent mud/sediment from depositing on the street
- protect drainage ways from erosion and sedimentation
- prevent sediment laden water from entering storm sewer inlets.

A generic erosion control plan for individual lots is provided in this Ordinance. A typical plan should include perimeter silt fence, stabilized construction entrance, curb inlet protection, drop inlet protection, stockpile containment, stabilized drainage swales, downspout extensions, temporary seeding and mulching, and permanent vegetation. Every relevant measure shall be installed at each individual lot site.

Construction sequence on individual lots should be as follows:

1. Clearly delineate areas of trees, shrubs, and vegetation that are to be undisturbed. To prevent root damage, the areas delineated for tree protection should be at least the same diameter as the crown.
2. Install perimeter silt fence at construction limits. Position the fence to intercept runoff prior to entering drainage swales.
3. Avoid disturbing drainage swales if vegetation is established. If drainage swales are bare, install erosion control blankets or sod to immediately stabilize.
4. Install drop inlet protection for all inlets on the property.
5. Install curb inlet protection, on both sides of the road, for all inlets along the property frontage and along the frontage of adjacent lots, or install temporary catch basin inserts in each inlet and frequently clean.
6. Install gravel construction entrance that extends from the street to the building pad.
7. Perform primary grading operations.
8. Contain erosion from any soil stockpiles created on-site with silt fence around the base.
9. Establish temporary seeding and straw mulch on disturbed areas.
10. Construct the home and install utilities.
11. Install downspout extenders once the roof and gutters have been constructed. Extenders should outlet to a stabilized area.
12. Re-seed any areas disturbed by construction and utilities installation with temporary seed mix within 3 days of completion of disturbance.

13. Grade the site to final elevations. Add topsoil as needed to minimize erosion of underlying soil and to quickly establish grass.
14. Install permanent seeding or sod.

All erosion and sediment control measures must be properly maintained throughout construction. Temporary and permanent seeding should be watered as needed until established. For further information on individual lot erosion and sediment control, please see the "Individual Lot Erosion and Sediment Control Plan and Certification" form in **Exhibit 602-1** or the IDNR, Division of Soil Conservation's pamphlet titled "Erosion and Sediment Control for Individual Building Sites".

Section 4. Administration and Application

1. The WPWD will administer, implement, and enforce the provisions of this Ordinance.
2. This Ordinance shall apply to all construction activity, (direct or indirect stormwater discharges, and illicit discharges) entering within the storm drainage system, MS4, or receiving waters under the jurisdiction of the Town.
3. Any Permittee subject to an NPDES Stormwater Discharge Permit shall comply with all provisions of such permit. If provisions of this ordinance are more restrictive than the NPDES Stormwater Discharge Permit, proof of compliance with said permit and this Ordinance may be required in a form acceptable to the WPWD prior to allowing discharges to the MS4.
4. The provisions of this Ordinance shall be deemed as additional requirements to minimum standards required by other provisions of the Town of Westfield Code, and as supplemental requirements to Indiana's Rule 5 regarding Stormwater Discharge associated with construction activity and Indiana's Rule 13 regarding stormwater runoff associated with MS4 conveyances. In case of conflicting requirements, the most restrictive shall apply. Unless otherwise stated, the most recent versions or editions of said codes, ordinances, laws, and statutes shall apply.
5. The Town, by and through its Council, has the authority to modify, grant exemptions, and/or waive any and all the requirements of this Ordinance. A meeting with the WPWD may be requested by a Permittee to discuss the applicability of various provisions of the Ordinance with regard to unique or unusual circumstances. However, any initial determination of such applicability shall not be binding on future determinations of the WPWD.
6. The Town of Westfield Utility and Infrastructure Construction Standards and Specifications Manual, and amendments thereto, are hereby incorporated herein by reference, with copies of the same being maintained in the WPWD for public inspection during regular business hours.
7. Words and phrases in this Ordinance shall be construed according to their common and accepted meanings. Technical words and technical phrases that are not defined in this Ordinance, but which have acquired particular meanings in law or in technical usage shall be

construed according to such meanings and as defined in 327 IAC 15-13 and 327 IAC 15-5 of the Indiana Code and other provisions of the Town of Westfield Code.

8. The Town shall be permitted to enter and inspect any premise subject to regulation under this Ordinance. It shall be unlawful for the Permittee of any premise to refuse to allow the WPWD to enter upon the premise for the purposes set forth in this Ordinance.

Section 5. Enforcement

I. NOTICE OF VIOLATION and STOP WORK ORDER

1. In the event a Permittee has violated the terms of this Ordinance, the Town may order compliance by written Notice of Violation to the Permittee. Such notice may require:
 - a. Issuance of a Pending Stop Work Order or issuance of a Stop Work Order.
 - b. The restoration or installation of new BMP measures;
 - c. Payment of a fine; and, or
 - d. Revocation or suspension of the Erosion Control Inspection Permit.
2. The Town may, without prior Notice of Stop Work Order or Violation, suspend Storm Drainage System or MS4 access to a Permittee when storm water discharges present or may present imminent and substantial danger.
3. The Notice of a Stop Work Order due to a Violation will:
 - a. Be in writing;
 - b. Include a description of the property for identification;
 - c. Include a statement of the violation(s) and section violated and why the notice or order is being issued;
 - d. Failure to comply with the conditions set forth in this Ordinance will result in an initial verbal warning. If the violation is not corrected within one day from the verbal warning, a Pending Stop Work Order will be issued and a penalty of \$50.00 will be assessed for a re-inspection. After the third day from the initial verbal warning, a Stop Work Order will be issued and an additional penalty of \$50.00 will be assessed for a re-inspection to ensure that the repairs and improvements required to the property are in compliance with the provisions of this Ordinance.
4. Reinspection of remedied violations will be assessed a re-inspection fee in accordance with the fee schedule in this Ordinance.
5. If the Permittee fails to comply with a Stop Work Order, then the WPWD will take steps as deemed necessary to prevent or minimize damage or remediate a violation. All reasonable costs associated with the abatement or restoration shall be assessed against the owner of the property and may be filed as a lien against the property in the amount of the assessment. It

shall be unlawful for any Permittee, owner, agent or person in possession of any premise to refuse to allow the WPWD or its designee to enter upon the premise for the purposes set forth above.

6. In the event of a Stop Work Order, the Town shall not reinstate the Erosion & Sediment Control Inspection Permit Request for Residential Lots and Outlots or MS4 access to the Permittee until the Permittee presents proof, satisfactory to the Town, that the corrections have been made. Permittee violates this ordinance if the Permittee reinstates MS4 access to the premises terminated pursuant to this section, without the prior approval of the Town.
7. In addition to the penalties listed above, if construction activities are conducted contrary to the provisions of this Ordinance, the Town may order the work stopped by notice in writing, in the form of a Stop Work Order, served on any Permittee engaged in the doing or causing of such work to be done; and any such Permittee shall forth with stop such work until authorized by the WPWD to proceed with the work.

II. APPEAL OF NOTICE OF VIOLATION

1. Any Permittee receiving a Notice of Violation may appeal the determination of violation to the Council, for rescission of the Notice or Order, or for a modification, variance, or extension of time for compliance on one or more of the following bases: (i) a Stop Work Order served in accordance with this Ordinance is in error, or (ii) should, due to hardship, be modified or entitled to a variance from enforcement, or (iii) that a reasonable extension of time for the compliance should be granted upon the grounds of a demonstrated case of hardship and evidence of an actual undertaking to correct the violation, together with a legitimate intent to comply within a reasonable time period.
2. A request for rescission, modification, variance, or extension of time shall be made in writing, within ten (10) days of the Permittee's receipt of a copy of the Notice or Order, to the Town of Westfield Clerk-Treasurer's Office, to be placed on the Council agenda. The Council shall schedule a hearing within thirty (30) days of receipt of the request.
3. All hearings before the Council shall be open to the public. The Permittee, the Permittee's representative, and any persons whose interests are affected shall be given an opportunity to be heard.
4. At the conclusion of the hearing the Council may reverse, affirm, or modify the Order, Notice, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as justice would require. The Council's determination and findings of fact shall be recorded and if a Notice or Order is affirmed or modified, the Council shall, in the determination on appeal, re-establish a reasonable timeline to make the repairs and improvements required to bring the violation into compliance with the provisions of this Ordinance.

III. TRANSFER OF OWNERSHIP

No owner of any premise upon whom a Stop Work Order has been served shall sell, transfer, mortgage, lease or otherwise dispose of to another until the provisions of the Notice of Violation have been complied with, or until such owner first furnishes the grantee, transferee, mortgagee or lessee a true copy of any compliance order or Notice of Violation issued by the Town and furnishes to the Town a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such Notice of Violation and fully accepting the responsibility without condition for making corrections or repairs required by such Notice of Violation.

IV. PENALTIES FOR VIOLATIONS

1. Any person found in violation of any provisions of this Ordinance shall be responsible for a civil infraction and subject to a maximum fine of \$200 for the first offense, \$1,000 for the second offense, and a maximum of \$7,500 for a subsequent offense, plus cost, damages, and expenses. Each day such violation occurs or continues shall be deemed a separate offense and shall make the violator liable for the imposition of a fine for each day. The rights and remedies provided for in this section are cumulative and in addition to any other remedies provided by law. An admission or determination of responsibility shall not exempt the offender from compliance with the requirements of this Ordinance.
2. Any person who aids or abets a person in violation of this Ordinance shall be subject to the penalties provided in this section.
3. For purposes of this section, "subsequent offense" means a violation of the provisions of this Ordinance committed by the same person within twelve (12) months of a previous violation of the same provision of this Ordinance for which said person admitted responsibility or was adjudicated to be responsible.

Section 6. WPWD Erosion Control Inspections

1. The WPWD Erosion Control Inspector will inspect erosion and sediment control measures in conjunction with routine inspections. Inspections will ensure that proper placement and installation of erosion and sediment control measures are in place.
2. In addition, to standard periodic inspections, this Ordinance requires that the Permittee conduct inspections after each rain event of 1/2" or more in a 24-hour period. Any problems noted during these inspections shall be corrected immediately.
3. The first inspection by the WPWD will occur at the time prior to the pushing of the pad and foundation installation. Standard items to be checked are: protection of adjacent lots, protection of inlets, grading/excavating, and that stockpiles are stabilized. If BMP's are not installed in the correct location and/or not installed correctly, the inspection may be denied, a Stop Work Order required or fees may be applied.
4. It is anticipated that by the time the foundation inspection is requested, backfilling of the foundation will have been complete and all erosion and sediment control measures will have been installed. If the Permittee fails to install the proper erosion and sediment control

measure, this may result in the inspection being denied, a Stop Work Order required or fees may be applied.

5. For unique situations the Erosion Control Inspector will be available to discuss erosion and sediment control measures for any lot and the sequencing for installation of BMP's.

Section 7. WPWD Erosion Control Inspection Fees

Fees for Erosion & Sediment Control Inspection Permit Request for Residential Lots and Outlots & Inspections shall be:

1. Residential lots 2 acres or less \$100 each.
2. Residential lots greater than 2 acres will be assessed at \$100 per ¼ acre or portion thereof.
3. Industrial, commercial, and retail outlets will be assessed at \$100 per ¼ acre or portion thereof.
4. Additional re-inspections for denied and/or stop work orders or fines will be assessed at \$50 per re-inspection.

Section 8. Forms

The applicable permit forms are attached to this Ordinance.

The provisions of this Ordinance are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this Ordinance, or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Ordinance.

All ordinances or parts thereof in conflict with the provisions of the Ordinance are hereby repealed.

This Ordinance shall be in full force and effect from and after its passage and signing by the Westfield Town Council and publication as required by law.

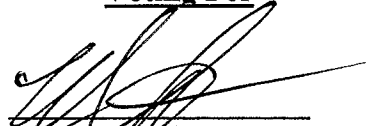
ADOPTED AND PASSED THIS 10 DAY OF April 2006, BY THE WESTFIELD
TOWN COUNCIL, HAMILTON COUNTY, INDIANA.

WESTFIELD TOWN COUNCIL

Voting For

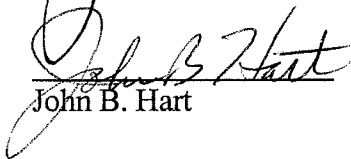
Voting Against

Abstain


Robert J. Smith

Robert J. Smith

Robert J. Smith


John B. Hart

John B. Hart

John B. Hart


David Mikesell

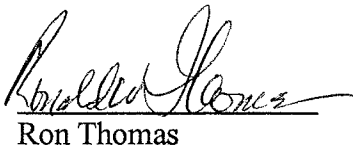
David Mikesell

David Mikesell


Teresa Otis Skelton

Teresa Otis Skelton

Teresa Otis Skelton


Ron Thomas

Ron Thomas

Ron Thomas

ATTEST:



Cindy Gossard, Clerk Treasurer

This document prepared by Westfield Public Works

Bruce Hauk, Director

WESTFIELD PUBLIC WORKS



EROSION & SEDIMENT CONTROL INSPECTION PERMIT REQUEST FOR RESIDENTIAL LOTS AND OUTLOTS

Name of Development/Minor Plat & Lot #: _____ **Project Name:** _____

Parcel Number: _____ Section/Township/Range _____

Township Name: _____

Applicant's Name: _____ Property Owner: _____

Address: _____ Property Address: _____

Phone: (____) _____ Phone: (____) _____

Fax: (____) _____ Fax: (____) _____

Contractor/Builder: _____

Address: _____

Phone: (____) _____ Fax: (____) _____

Contact Person: _____ Cell Phone: _____

Type of Lot or Improvement: _____

Trained Individual in Charge of the Mandatory Stormwater Pollution Prevention Program

Name: _____ Address: _____ Phone #: _____

List of Qualifications): _____

The individual lot operator is responsible for installation and maintenance of all erosion and sediment control measures until the site is stabilized.

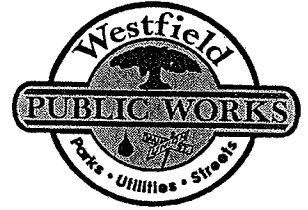
Signature _____ Date _____

Check Title: Owner _____ Contractor _____ Engineer _____ Agent _____ Other _____

***** For Office Use Only ***** Engineering Firm: _____

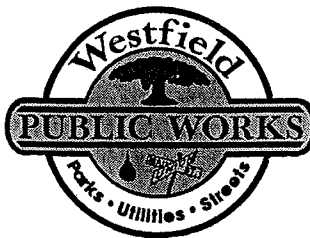
Permit # _____ Plan Project # _____ Check # _____

WESTFIELD PUBLIC WORKS



INSTRUCTIONS FOR EROSION & SEDIMENT CONTROL **INSPECTION PERMIT REQUEST FOR RESIDENTIAL LOTS AND** **OUTLOTS** **RESIDENTIAL LOT PLOT PLAN PERMIT REQUEST**

1. Request shall be made to the **Town of Westfield Public Works Department.**
2. Request shall be made on standard form only, supplied by the Public Works Department.
3. The form shall be completely filled out, including the following information:
 - a. Name of subdivision/minor plat and lot number.
 - b. Section/Township/Range
 - c. Parcel number of property involved.
 - d. Project name (if none then put individual's name).
 - e. Contact person(s).
 - f. Type of residential lot and/or improvement. This office may require more details depending on the type of improvements being proposed.
4. A certified Plot Plan, including site layout, is required to be submitted with each permit application.
5. An erosion and sediment control plan is required to be submitted with each permit application.
6. Need to provide the name, address, telephone number, and list of qualifications of the trained individual in charge of the mandatory stormwater pollution prevention self-monitoring program for the project site.
7. Need to abide by any additional requirements set forth by the **Town of Westfield.**
8. The applicant or an agent of the applicant must sign the form.
9. Check or money order is to be made payable to the **Town of Westfield.** The correct amount of fee, based on the Fee Ordinance, must be included with the application package.



Town of Westfield Public Works Engineer

Westfield Public Works Department
Town of Westfield
2706 East 171st Street
Westfield, IN 46074
Phone: (317)896-5452 ♦ Fax (317)867-0202

Date: _____ Permit Number: _____ Builder: _____

Subdivision: _____ Section: _____ Lot: _____ Developer: _____

Faxed to: _____ Fax Number: _____

NOTICE OF PENDING STOP WORK ORDER

A PERIOD OF 2 DAYS OR 48 HOURS IS GRANTED TO BRING THIS VIOLATION INTO FULL COMPLIANCE. THIS SITE WILL BE INSPECTED AGAIN IN **48 HOURS** FOR COMPLIANCE. IF IT DOES NOT COMPLY AT THAT TIME A **STOP WORK ORDER** WILL BE ISSUED AND ALL FEES CHARGED PURSUANT TO TOWN OF WESTFIELD ORDINANCE NO. 6-16.

☐ Construction Drive _____

☐ Erosion Control _____

☐ Streets (Sediment) _____

☐ Other _____

SPECIAL NOTE: All needed measures must be taken to secure and leave the construction site in a safe and non-hazardous condition.

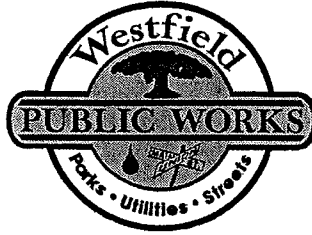
Issued by:

FAXED _____ (DATE & TIME)

ORIGINAL TO FILE

YELLOW TO PLANNING AND BUILDING

PINK COPY LEFT AT SITE



Town of Westfield Public Works Engineer

Westfield Public Works Department
Town of Westfield
2706 East 171st Street
Westfield, IN 46074
Phone: (317)896-5452 ♦ Fax (317)867-0202

Date: _____ Permit Number: _____ Builder: _____

Subdivision: _____ Section: _____ Lot: _____ Developer: _____

Faxed to: _____ Fax Number: _____

NOTICE OF STOP WORK ORDER

THIS SITE HAS FAILED TO MEET LOCAL COMPLIANCE STANDARDS IN THE TOWN OF WESTFIELD ORDINANCE NO. 6-16. A **STOP WORK ORDER** IS BEING ISSUED AND ALL APPLICABLE FEES AND FINES WILL BE CHARGED. YOUR CLEAN WATER PERMIT RE-INSTATEMENT FEE IS A MINIMUM \$200.00 OR TWO (2) TIMES THE FILING FEE, WHICHEVER IS GREATER. THE FINE FOR CONTINUED CONSTRUCTION AFTER ISSUANCE OF STOP WORK ORDER IS \$1000.00 FIRST DAY AND UP TO \$500.00 FOR EACH ADDITIONAL DAY.

☐ Construction Drive _____

☐ Erosion Control _____

☐ Streets (Sediment) _____

☐ Failure to Notify _____

☐ Other _____

SPECIAL NOTE: All needed measures must be taken to secure and leave the construction site in a safe and non-hazardous condition.

Issued by:

FAXED _____ (DATE & TIME)

ORIGINAL TO FILE

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PINK COPY TO PLANNING AND BUILDING

Individual Lot Typical Erosion & Sediment Control Plan and Certification

Legend and Check List

	Silt Fence	<input type="checkbox"/>
	Gravel Construction Entrance	<input type="checkbox"/>
	Drop Inlet Protection	<input type="checkbox"/>
	Curb Inlet Protection	<input type="checkbox"/>
	Temporary Seeding	<input type="checkbox"/>
	Property Lines & Drainage Swale	<input type="checkbox"/>
	Constructed Building Pad	<input type="checkbox"/>
	Silt Stockpile Protection	<input type="checkbox"/>

Notes:

- Draw in any "Do Not Disturb" areas.
- Provide pad elevations for subject property and adjacent properties.
- Erosion Control Measures must be functional and maintained throughout construction.

I hereby certify that the drainage ways, pad elevations, and erosion and sediment control measures are consistent with the overall development plans.

Signature _____

Individual Lot Erosion and Sediment Control Plan and Certification

Date _____